

**BOARD OF HEALTH  
MINUTES OF MEETING  
JULY 19, 2017**

**PRESENT:** Amy Wiegandt, M.D., Chairman  
Glenn M. Monterio, Member  
Catherine Phinney, Member  
Thomas L. Gleason, M.D., Associate Member

Robert M. Ethier, Director  
Patrick MacDonald, Inspector  
Suzanne Burke, Recording Secretary

Chairman Wiegandt called the meeting to order at 4:00 p.m. on the Third Floor, Wareham Town Hall, Rm. 27.

**4:00 p.m.      Signing of Minutes**

The minutes of May 3, 2017 and June 7, 2017 were read and accepted.

**On a motion of Catherine Phinney and seconded by Dr. Wiegandt the minutes were accepted. All in favor.**

**4:05 p.m.      Adam Marczak, Inksane Art Tattoo- Application for Tattoo  
Establishment & Artist**

Health Director Robert Ethier and Health & Food Inspector Patrick MacDonald walked into the Inksane Art Tattoo establishment located at 3203 Cranberry Highway and found Mr. Marczak operating without a license as mandated in the Board of Health Regulations: Section 2: Body Art Establishments and Practitioners- Piercing and Tattooing. Mr. Marczak appeared with his paperwork and assured it was not intentional as he ran into financial difficulty. After discussion, the board agreed to grant Mr. Marczak his licenses after payment of the \$150.00 license fee, \$275.00 establishment fee and imposed a fine of \$275.00 for operating without a license. Board members agreed to allow a three month period to pay the imposed fine.

**On a motion of Catherine Phinney and seconded by Dr. Wiegandt, Mr. Marczak was granted a tattoo establishment and tattoo practitioners license. A \$275.00 fine was imposed for operating without a license. All in favor.**

**4:10 p.m.      Karen & Jim Welch- Doggie Day Care- Discussion**

Mr. & Mrs. Welch were removed from the agenda and were directed to the Zoning Board. Mr. Ethier stated there is a certain amount of acreage necessary to operate a dog

care/kennel. Mr. Ethier requested town officials further study the situation. Mr. & Mrs. Welch will be welcomed back after further study.

**Health Agents Report-** Director of Health, Robert Ethier reported to the board. See attached. Mr. Ethier also reported on the Wareham Public School "threat" that took place on Monday, July 10, 2017. (Health Agent Report stopped for 4:30 p.m. hearing.)

**Audience member Robert Brady requested to comment on the 4:10 p.m. (canceled hearing) - Doggie Day Care.**

Mr. Brady was present to explore the conversation regarding the 4:10 p.m. posted agenda hearing. Mr. Brady requested to comment and stated "aside of the fact that the Dog Day Care case has a zoning perimeter, the Town of Wareham has regulated any location in the town, having more than three dogs which immediately creates criteria." Mr. Brady encouraged the Board of Health in conjunction with Building Department to revisit some of the criteria. "If the business is a grooming business, then it could be water and waste intense." Otherwise, he suggests that the board study Title 5, Section 2 at the state level. If not hooked up to municipal sewerage, a Title 5 system would be required to be installed and engineered designed plans would have to be submitted for review. Fifty (50) gallons a day per animal is requested by the town and Mr. Brady feels this is a waste. Farm animals are not required to follow the same regulation as dogs. "Wareham should have consideration for their requirements." Dr. Wiegandt stressed the Board of Health has to be as strict as Title 5. Mr. Brady agreed however, he stated it still brings up the question of not having set restrictions for farm animals and feels it is well worth revisiting. Mr. Ethier suggested Mr. John Viveiros contact DEP to discuss the situation. Mr. Ethier also suggests the Master Plan thru the Planning Department. Mr. Ken Buckland requested (via email) to schedule a time with the board to discuss input on the Master Plan update. Mr. Buckland sent notice to the Board of Health to respond with a date to meet. Mr. Ethier suggested the board may want to consider some language be put in for restrictions of larger animals on lots. Mr. Brady thanked the board for their time.

**4:30 p.m. B2B- Marwan Imad- Tobacco Violation- Order to Appear**

Health and Food Inspector Patrick MacDonald ordered Mr. Imad, owner of 3199 Cranberry Highway to appear before the board for Violations to Smoking Regulations Section 5, Part 9, Minimum Sale Price and Violation to Smoking Regulation, Section 5, Part 10, Sale of Flavored Tobacco.

**9. Cigar Sales Regulated:** No person shall sell or distribute or cause to be sold or distributed a single cigar. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more. This section shall not apply to (a) the sale or distribution of any single cigar having a retail price of two dollars and fifty cents (\$2.50) or more or (b) a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute

outside the boundaries of Wareham. The Wareham Board of Health may adjust from time to time the amounts specified in the Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

**10. Sale of Flavored Tobacco Products:** No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product, except in smoking bars and retail tobacco stores. It is the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of the smoking regulations pertaining to his or her distribution of tobacco and/or Nicotine Delivery Products. In the case of a first violation, a fine of three hundred dollars is imposed. This is B2B's first offense.

**On a motion of Catherine Phinney and seconded by Dr. Wiegandt the board imposed a \$300.00 violation fine. All in favor.**

**4:35 p.m. 2 Carmichael Way- McKinnon & Keese- Variance to State & Local Regulations**

Ms. Sandy Keese, C.S.E. of McKinnon & Keese Engineering spoke on behalf of Ms. Rose Anne Dabec, applicant of the above referenced property. Ms. Keese is requesting several variances from Title 5 in order to repair & upgrade the septic system with a Singulair 500 Denite Septic. The existing two bedroom home is located on a tiny lake front lot. Variances requests are as follows:

1. S.A.S. to Crawl Space: 6', Title V, 20'. A Ruffco 240 Barrier shall be installed against the existing fence on the easterly side of the SAS & on the over dig on the westerly side.
2. S.A.S. to Easterly Property Line: 2', Title V 10'
3. Septic Tank: (A) Crawl Space: 7' Title V, 10' (B) Property Line 9', Title V, 10'
4. Pump Chamber to: (A) Crawl Space 7', Title V, 10', (B) Water Line: 2' Title V, 10,
5. Water Table Mottles to Bottom of S.A.S. in less than 2 min. /in. Soils 15.212 : (1) (b) 4', Title V, 5'.

Space constraints, the existing soil pipe exiting the house & angles which must be met in the Denite Tank, Circulation Chamber & Pump Chamber limit where these component can be placed. Given the Denite Tank that is being used, they are requesting that the S.A.S. mounding be lessened to the S.A.S. bottom 4' above mottles as any environmental concerns are decreased. The 2' pipe pumping effluent to the S.A.S. shall be sleeved & pressure tested as it passes over the deeper water line.

Ms. Keese reported to the board abutters notices were issued. Green cards were not returned to the office of Board of Health. Ms. Keese stated she spoke with the abutting neighbor and relayed the date of the hearing. Ms. Keese assured the board the neighbors received notices and most likely green cards were late returning. After review, the board granted the variances with the conditions a I/A System Permit Summary Sheet is submitted to the office stating the monitoring company and a deed restriction is to be recorded in the Plymouth County Registry of Deeds.

On a motion of Catherine Phinney and seconded by Dr Wiegandt the board voted to grant the variances with the conditions: (1) the I/A Summary Sheet is submitted to the office of the Board of Health and (2) a deed restriction, restricting the home to two bedrooms is recorded with the Plymouth County Registry of Deeds and a copy submitted to the Board of Health for the file. Variances granted. All in favor.

**HEALTH AGENTS REPORT-** Mr. Ethier continued reporting. See attached.

**Old Business-**

1. Motel owners who do not submit a monthly register will be fined. All registers will be recorded and kept on file.
2. **Draft Lodging Regulations-** Town Council reviewed and sent back the following changes for the boards review.

# 5. Guest units shall not be occupied as a principal place of residence **unless the units have the following amenities: (this is the place to identify what should be there to make it safe and habitable).** Occupancy of a hotel guest unit by a person at the same licensed premises shall be limited to five weeks **in any twelve month period.** Should a person wish to extend his/her stay at said hotel beyond a five week time period, they must apply for a variance from the Board of Health in writing 15 days (fifteen days) prior to the expiration of the five week period. # 6. Occupancy of efficiency units by a person at the same licensed premises shall be limited to 90 calendar days in any year **in any twelve month period.** Proof of permanent residency must be provided by occupant at time of registration. Any requests for additional 90-day extensions must be submitted to the Board of Health in writing 15 days (fifteen days) prior to the expiration of the 90-day period.

**The board reviewed and changed to the following:**

#5. Guest units shall not be occupied as a principal place of residence. Occupancy of a hotel guest unit by a person at the same licensed premises shall be limited to five weeks in any six month period. Should a person wish to extend his/her stay at said hotel beyond a five week time period, they must apply for a variance from the Board of Health. Any requests for extensions must be submitted to the Board of Health in writing 15 days (fifteen days) prior to the expiration of the five week period.

#6. Occupancy of efficiency units by a person at the same licensed premises shall be limited to 90 calendar days in any twelve month period. Proof of permanent residency must be provided by occupant at time of registration. Any requests for additional 90 day-extensions must be submitted to the Board of Health in writing 15 days (fifteen days) prior to the expiration of the 90-day period.

**On a motion of Catherine Phinney and seconded by Glenn Monterio, the board agreed to vote in the lodging regulations as read upon approval on town counsel. All in favor.**

**New Business-**

1. Limited Retail Food Establishment Definition- Limited to 40 sq. ft. or less of prepackaged non-potential hazardous foods. Patrick MacDonald will check with the Federal Food Code for a more specific definition.
2. Dr. Wiegandt requested Patrick MacDonald revisit the smoking regulations and create a clean, friendlier list for establishment owners.
3. Mr. Ethier will be on vacation starting July 31<sup>st</sup> and will return August 21, 2107.
4. Board of Health meeting will be canceled on August 16, 2017.

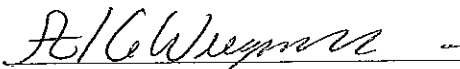
**Old Business-**

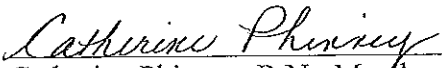
1. Town of Bourne smoking regulations. Dr. Wiegandt and Mr. Ethier will attend a Board of Health meeting to discuss regulations with the Town of Bourne.
2. Dr. Wiegandt questioned the date of the Animal Regulations. Suzanne Burke will look into the date the regulations were last updated.
3. Mr. Ethier will contact the Zoning Board for their regulations on horses and farm animals.
4. Stone Village will be ordered to appear before the board on August, 2, 2017 and Rosewood Motel will be placed on the agenda to appear on September 6, 2017.

**Cathy Phinney made a motion to close the meeting at 5:30 p.m. Seconded by Dr. Wiegandt. All in favor.**

Respectfully submitted: Suzanne Burke, July 18, 2017

Signed and dated: \_\_\_\_\_

  
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Amy Wiegandt, M.D, Chairman

  
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Catherine Phinney, R.N., Member

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Glenn M. Monterio, Member